



WEB COPY



1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2024

CORAM:

THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.MP.No.17658 of 2024
in Crl.OP.No.21752 of 2024

Deepika

.... Petitioner

vs.

1. The State rep by its,
The Inspector of Police,
W-7, All Women Police Station,
Triplicane, Chennai.
Crime No.5 of 2023.

2.Ranganath Sharavan Kumar @ Sharavan Kumar ... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS.,
pleaded to cancel the anticipatory bail granted to the 2nd respondent vide
order dated 18.09.2024 in Crl.OP.No.21752 of 2024 on the file of this
Hon'ble High Court.

For Petitioner : Mr.K.Myilsamy



WEB COPY



For Respondent : Mr.S.Balaji,
Government Advocate (Crl.Side)

JUDGMENT

This petition has been filed by the petitioner to cancel the anticipatory bail granted to the second respondent in Crl.OP.No.21752 of 2024.

2. The learned counsel appearing for the petitioner would submit that the petitioner and the second respondent are close relatives. Taking advantage of this relationship, he obtained money from the family members to start a new business for a sum of Rs.9,00,000/-. While being so, the 2nd respondent promised to marry the petitioner and had sexual intercourse with her. Thereafter, the second respondent neglected the petitioner and abused her in filthy language and he had already captured many photographs on his cell phone. Therefore she lodged a complaint. Subsequently, the respondent police registered an FIR in Crime No.5 of 2023 for the offence under Section 417 of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act. In the meantime, the second respondent filed a petition in Crl.OP.No.19784 of 2023, this Court



WEB COPY

directed him to hand over his cell phone for verification; however he has not co-operated for investigation, therefore, this Court dismissed the petition vide order dated 30.11.2023. Thereafter, he filed a petition in CrI.OP.No.1055 of 2024, which was also dismissed by order dated 20.03.2024. Again, he filed a petition to quash the FIR in CrI.OP.No.8115 of 2024 and the same was withdrawn on 08.04.2024. Subsequently, the second respondent filed a petition in CrI.OP.No.21752 of 2024 seeking anticipatory bail. At that time, he changed his name from “Saravan Kumar @ R.Shravan Kumar to Ranganath Sharavan Kumar @ Sharavan Kumar” and obtained anticipatory bail from this Court by suppressing the earlier dismissal petitions. Furthermore, he submitted a false affidavit dated 18.09.2024 stating that he had handed over his cell phone to investigation agency on 27.10.2023 and that he got back his cell phone. Therefore, the petitioner claims that he suppressed his name to obtain the anticipatory bail order, and therefore the anticipatory bail granted to the petitioner is liable to be canceled.



WEB COPY

3. The learned counsel appearing for the second respondent would submit that the petitioner filed the earlier bail applications in the name of Saravan Kumar @ R.Shravan Kumar” and thereafter he approached this Court by mentioning his name as “Ranganath Sharavan Kumar @ Sharavan Kumar” as found in the aadhar card. The name Ranganath is his father's name, therefore there is no suppression of fact regarding the change of the name. This Court also recorded in the order that already cell phone was handed over to the investigating agency and there are no incriminating materials available from the seized cell phone, and after considering all aspects granted anticipatory bail to the petitioner. Merely, because the father's name of the petitioner is included in the name of the petitioner, as found in the aadhar card, it cannot be said as suppression of facts and already this Court after considering all the aspects, granted anticipatory bail to the second respondent. The second respondent also produced the copy of the aadhar card bearing the name “Ranganath Sharavan Kumar. The second respondent has not involved himself in any other activities and thereby, no valid grounds have been raised by the petitioner for warranting cancellation of the anticipatory bail granted to the second respondent.



WEB COPY

4. This Court heard both side counsel and perused the materials available on record.

5. The main contention of the petitioner is that the 2nd respondent changed his name and obtained anticipatory bail by suppressing the name, and the cellphone has not been handed over to the investigating agency. On perusal of records it is observed that the petitioner mentioned the name in the anticipatory bail petition as found in the Aadhar card and the respondent police also filed a reply at the time of hearing the anticipatory bail petition and the cell phone of the 1st respondent also verified by the respondent police, and the conditions imposed by this Court have also been complied with by the 1st respondent. Therefore, there are no valid grounds to cancel the anticipatory bail granted to the 1st respondent. Therefore, this Court is of the opinion that this petition has no merits and deserves to be dismissed. Hence, this Criminal Miscellaneous Petition stands dismissed.

13.12.2024

drl

Index : Yes / No

Speaking / Non-speaking

P.DHANABAL.J.,



WEB COPY

6



drl

To

1. The Inspector of Police,
W-7, All Women Police Station,
Triplicane, Chennai.
2. The Public Prosecutor,
High Court, Madras.

Crl.MP.No.17658 of 2024
in Crl.OP.No.21752 of 2024

13.12.2024